



Windsor Framework Democratic Scrutiny Committee

Inquiry into Regulation (EU) 2026/1739 of the European Parliament and of the Council of 8 July 2026 amending Regulations (EU) No 1308/2013, (EU) 2021/2115 and (EU) 2021/2116 as regards the strengthening of the position of farmers in the food supply chain

Ordered by the **Windsor Framework Democratic Scrutiny Committee**

to be published 27 August 2026.

Report: NIA 189/22-27 Windsor Framework Democratic Scrutiny Committee

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Purpose and Membership

Purpose

The Windsor Framework Democratic Scrutiny Committee is a standing committee of the Northern Ireland Assembly established under [Schedule 6B to the Northern Ireland Act 1998](#).

The purpose of the Committee is to assist with the observation and implementation of [Article 13\(3a\)](#) and [Article 13\(4\)](#) of the Windsor Framework.

The functions of the Committee include:

- (a) the examination and consideration of new EU acts and replacement EU acts;
- (b) the conduct of inquiries and publication of reports in relation to replacement EU acts;
- (c) engagement with businesses, civil society and others as appropriate in relation to replacement EU acts;
- (d) engagement with the UK Government in relation to replacement EU acts;
- (e) engagement with Ministers and Northern Ireland departments in relation to replacement EU acts;
- (f) the collation and publication of evidence collected as part of its other activities; and
- (g) dealing with other matters (including legislative proposals which may become new EU acts or replacement EU acts) which the Committee considers to be connected with its purpose or other functions.

A replacement EU act means an EU law which updates, by amending or replacing, any of the relevant¹ EU laws which already apply in Northern Ireland,

¹ Relevant EU laws are those EU instruments referred to in the third subparagraph of Article 5(1) of the Windsor Framework, the first indent of heading 1 of Annex 2 to the Framework or headings 7 to 47 of Annex 2 to the Framework.

as listed under Annex 2 of the Windsor Framework. Areas of EU law that apply in Northern Ireland include legislation on goods, animal and plant health rules, rules on agricultural production, VAT and excise on goods, and state aid rules. The EU's Customs Code also applies to goods entering Northern Ireland. There is a procedure by which members of the Assembly may seek to prevent the application of a replacement EU act (an emergency brake mechanism known as the Stormont Brake). [View further information on the Stormont Brake.](#)

A new EU act means a new EU law which falls within the scope of the Windsor Framework, but which neither amends nor replaces an EU act listed in the Annexes. The Northern Ireland Assembly has a role, by means of an “applicability motion”, in setting out its position on whether a new EU act should be added to the list of EU laws applicable in Northern Ireland. [View further information on applicability motions.](#)

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

Ms Ciara Ferguson MLA (Chairperson)²

Mr David Brooks MLA (Deputy Chairperson)³

Dr Steve Aiken OBE MLA

Mr Cathal Boylan MLA^{4 5}

Mr Jonathan Buckley MLA⁶

Mr Pádraig Delargy MLA^{7 8}

Mr Peter Martin MLA^{9 10}

Ms Kate Nicholl MLA¹¹

Mr Eóin Tennyson MLA¹²

² Ms Ciara Ferguson replaced Mr Philip McGuigan MLA as Chairperson of the Committee on 04/02/2025. Mr Philip McGuigan MLA replaced Mr Declan Kearney MLA as Chairperson of the Committee on 09/02/2024.

³ Mr David Brooks MLA appointed Mr Phillip Brett MLA as a substitute member for the Committee meetings on 20/08/2026 and 27/08/2026.

⁴ Mr Cathal Boylan MLA replaced Ms Emma Sheerin MLA as a member of the Committee on 24/11/2025.

⁵ Mr Cathal Boylan MLA appointed Ms Sinéad Ennis MLA as a substitute member for the Committee meetings on 13/08/2026 and 20/08/2026.

⁶ Mr Jonathan Buckley MLA replaced Mr Stephen Dunne MLA as a member of the Committee on 16/09/2024. Mr Stephen Dunne MLA replaced Mr Jonathan Buckley MLA as a member of the Committee on 03/06/2024.

⁷ Mr Pádraig Delargy MLA replaced Mr Declan Kearney MLA as a member of the Committee on 02/03/2026.

⁸ Mr Pádraig Delargy MLA appointed Ms Emma Sheerin MLA as as a substitute member for the Committee meeting on 20/08/2026.

⁹ Mr Peter Martin MLA replaced Ms Joanne Bunting MLA as a member of the Committee on 02/12/2024.

¹⁰ Mr Peter Martin MLA appointed Mr Paul Frew MLA as a substitute member for the Committee meeting on 13/08/2026.

¹¹ Ms Kate Nicholl MLA replaced Ms Connie Egan MLA as a member of the Committee on 09/09/2024. Ms Connie Egan MLA replaced Mr Patrick Brown MLA as a member of the Committee on 20/05/2024.

¹² Mr Eóin Tennyson MLA replaced Ms Sorchá Eastwood MLA as a member of the Committee on 22/04/2024.

Introduction

1. This report sets out the conclusions of an inquiry by the Windsor Framework Democratic Scrutiny Committee ('the Committee') into a published replacement EU act: [Regulation \(EU\) 2026/1739](#) of the European Parliament and of the Council of 8 July 2026 amending Regulations (EU) No 1308/2013, (EU) 2021/2115 and (EU) 2021/2116 as regards the strengthening of the position of farmers in the food supply chain.
2. Information on the provisions of the EU act which apply and do not apply under the Windsor Framework can be found in the UK Government Explanatory Memorandum and the departmental assessment of impact (**Appendix B**).
3. The Regulation is a replacement EU act because it amends a section of the [Common Market Organisation Regulation](#) (CMO Regulation), which lays down rules regarding marketing standards for several listed categories of agricultural product. This section of the CMO Regulation applies in Northern Ireland under the Article 13(3) of Windsor Framework.¹³
4. The replacement EU act applies in Northern Ireland under Article 13(3) of the Windsor Framework but is subject to the mechanism set out in Article 13(3a) of the Windsor Framework. This mechanism provides for a replacement EU act, or relevant parts of a replacement EU act, not to apply in Northern Ireland if the United Kingdom Government ('UK Government') notifies the EU within two months of the act's publication in the EU Official Journal.
5. The UK Government may only make this notification if it is satisfied that the conditions in Article 13(3a) of the Windsor Framework have been met and that the procedures set out in its [Unilateral Declaration on the involvement of the institutions of the 1998 Agreement have been followed](#). These procedures

¹³ Regulation 2026/1739 amends [Regulation 2021/2116](#) which is within the scope of the Windsor Framework as Articles 89 and 90 of Regulation 1306/2013 are to be read as references to Articles 90a and Article 116a of the CMO Regulation: these Articles of the CMO Regulation are included in Annex 2 of the Windsor Framework.

The EU act also amends [Regulation \(EU\) 2021/2115](#) which does not apply in Northern Ireland under the Windsor Framework.

provide, amongst other things, that 30 MLAs from at least two parties have notified the UK Government of their wish that the emergency brake mechanism should be applied. The 30 MLAs cannot include the Speaker or a Deputy Speaker.

6. If the UK Government is satisfied that the necessary conditions have been met, it will notify the EU in the Joint Committee. The EU law will not apply in Northern Ireland in its new form two weeks later. The older version of the EU law will still apply. The relevant law would then be discussed in the EU-UK Joint Committee under the process for new EU laws - Article 13(4). The UK Government must not agree (apart from in exceptional circumstances or where the new EU act would not create a new regulatory border between Great Britain and Northern Ireland) to adopt the new law unless the Assembly has passed a motion with cross-community support, known as an applicability motion.
7. The EU act in question - [Regulation \(EU\) 2026/1739](#) - was published in the EU Official Journal on 29 July 2026. The UK Government formally notified the Committee of the act's publication on 30 July 2026.
8. Under paragraph 8(1) of Schedule 6B to the Northern Ireland Act 1998, the Committee must decide no later than five working days after the day on which it was notified of the replacement EU act whether it wishes to hold an inquiry. In reaching a decision, paragraph 8(2) of Schedule 6B requires the Committee to have regard to whether it appears likely that the replacement EU act:
 - significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces; and
 - would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.
9. The Committee may also have regard to any other matters it considers appropriate.

The Replacement EU Act

10. As outlined in the Introduction Section, [Regulation \(EU\) 2026/1739](#) amends a series of EU regulations related to the Common Agricultural Policy (CAP).
11. Information on the provisions of the EU act which apply and do not apply under Article 13(3) of the Windsor Framework can be found in the UK Government Explanatory Memorandum and the departmental assessment of impact (**Appendix B**).
12. Provisions in the EU act which would apply in Northern Ireland under Article 13(3) of the Windsor Framework include:
 - New legal definitions setting out when optional terms like ‘fair’, ‘equitable’, and ‘short supply chains’ can be used in reference to the supply chain while marketing agricultural products;
 - New legal definitions for ‘meat’ and ‘meat products’, reserving a range of meat-related terms (e.g. bacon and steak) for products derived from animal meat, subject to limited exceptions; and
 - A broader range of products which may be covered by EU origin labelling rules, removing a previous exclusion relating to poultry meat and spreadable fats.

The Committee's Examination of the Proposed Replacement EU Act

13. On 2 January 2025, the Committee was notified by the UK Government of the proposed replacement EU act [COM/2024/577](#) (which was later to become the replacement act which is the subject of this report).
14. The Committee considered matters relating to its examination of the proposed replacement EU act at six meetings. The Minutes of Proceedings can be found at **Appendix A**.
15. At its meeting on 9 January 2025, the Committee agreed to request legal advice and a departmental assessment of impact to help inform its decision on whether to monitor the proposed EU act. The Committee also agreed to forward a copy of the proposed replacement EU act to the Committee for Agriculture, Environment and Rural Affairs for information.
16. On 20 February 2025, the Committee met to decide whether or not to monitor the proposed EU act.
17. To assist it in reaching a decision, the Committee considered legal advice on whether it appeared likely that the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces. The Committee noted that the legal advice indicated that the proposed replacement act did not significantly differ (in whole or in part) from the content or scope of the relevant parts of the EU instruments which it amends or replaces.
18. The Committee also considered whether it appeared likely that the proposed replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. It did this by considering an assessment of impact provided by the Department of Agriculture, Environment and Rural Affairs (DAERA), and listening to oral evidence from DAERA officials. The assessment of impact can be found

at **Appendix B**. The minutes of the evidence session can be found at **Appendix C**.

19. The Committee agreed to monitor the progress of the proposed replacement EU act, pursuant to paragraph 7(1) of Schedule 6B to the Northern Ireland Act 1998. Therefore, the Committee asked DAERA to provide a revised assessment of impact if any changes were proposed by the Council of the EU or the European Parliament which would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.
20. The Committee shared a link to the European Commission's consultation on the proposed EU act on its webpage and on social media. The Committee also asked DAERA to provide a summary of the responses from relevant stakeholders to the European Commission's consultation on the proposed EU act.
21. The Committee asked RaISe to monitor the progress of the proposed EU act through the EU legislative system.
22. On 13 March 2025, the Committee considered a UK Government Explanatory Memorandum on the proposed EU act, dated 27 February 2025. The Explanatory Memorandum can be found at **Appendix B**.
23. On 10 April 2025, the Committee noted an updated assessment of impact from DAERA, dated 4 April 2025, which included a summary of the responses from relevant stakeholders to the European Commission's consultation on the proposed EU act. The updated assessment of impact can be found at **Appendix B**.
24. Following publication of the provisionally agreed text of the proposed EU act, the Committee requested a revised assessment of impact from DAERA, or confirmation that the previous assessment remained unchanged. DAERA's assessment of impact on the provisionally agreed text, dated 14 April 2026, can be found at **Appendix B**.

25. At its meeting on 30 April 2026, the Committee considered the revised assessment of impact on the provisionally agreed text and asked DAERA to respond to a number of queries on the proposed act.
26. DAERA's written answers, dated 12 May 2026, which the Committee considered at its meeting on 4 June 2026, can be found at **Appendix B**. Following consideration of the written answers, the Committee asked DAERA to take further steps to allow it to provide fuller answers to the Committee; to seek the views of any relevant stakeholders; and to include this information in its assessment of impact on the published EU act. The Committee's correspondence, dated 4 June 2026, can be found at **Appendix B**. Further, the Committee wrote to DAERA regarding the level of information it provides to the Committee in general. DAERA's response, dated 3 August 2026, can be found at **Appendix B**.

The Committee's Decision on Whether to Hold an Inquiry

27. The Committee met on 6 August 2026 to decide whether or not to conduct an inquiry into the published EU act: [Regulation \(EU\) 2026/1739](#).
28. To assist it in reaching a decision, the Committee considered legal advice on whether it appeared likely that the published replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it seeks to amend or replace. The Committee noted that the legal advice indicated that the replacement EU act does not significantly differ (in whole or in part) from the content or scope of the relevant parts of the EU instruments within the scope of the Windsor Framework that it amends or replaces.
29. The Committee also considered whether it appeared likely that the published replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. It did this by: considering an assessment of impact from DAERA on the published EU act and listening to evidence from DAERA officials; examining all the evidence gathered as part of its consideration of the proposed EU act; and considering an Explanatory Memorandum on the published EU act from the UK Government (dated 5 August 2026).
30. The evidence gathered as part of the Committee's consideration of the proposed EU act, the assessment of impact on the published EU act, and the Explanatory Memorandum on the published EU act can be found at **Appendix B**. The minutes of the oral evidence session can be found at **Appendix C**.
31. Having had regard to whether it appears likely that Regulation (EU) 2026/1739:
- significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces; and
 - would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist,

the Committee decided to hold an inquiry into the replacement EU act. This [decision](#) was published on the Committee's webpage.

The Inquiry Process

32. In conducting an inquiry, paragraph 9(2) of Schedule 6B to the Northern Ireland Act 1998, requires the Committee to “seek substantive discussion and engagement” with the UK Government, the relevant Northern Ireland Minister or department, and, to the extent that the Committee considers appropriate, representatives of businesses and civil society affected by the replacement EU act, or who would be affected, if the act was to apply in Northern Ireland. The Committee may also consider any matters it deems appropriate.
33. The Committee had to conclude its inquiry and publish a report setting out its conclusions no later than 15 working days before the end of the two-month scrutiny period. The scrutiny period started when the replacement EU act was published in the EU Official Journal on 29 July 2026 and therefore ends on 29 September 2026.
34. The Committee considered matters relating to its inquiry, including making a decision on whether to conduct an inquiry, at four meetings. The Minutes of Proceedings can be found at **Appendix A**.
35. At its meeting on 6 August 2026, the Committee agreed to seek substantive discussion and engagement with the UK Government. It therefore wrote to the UK Government to seek its views on whether applying, or not applying, the replacement EU act would have an impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist. In considering the matter of divergence, details of the position in England, Scotland and Wales were also requested. In addition, the Committee asked the UK Government to provide information about the scope of the amendment regarding meat-related terms, following its discussions with the European Commission. The UK Government’s response, dated 17 August 2026, can be found at **Appendix B**.
36. At this meeting, the Committee also agreed to seek substantive discussion and engagement with the relevant Northern Ireland department – DAERA. Therefore, it requested that departmental officials attend the Committee meeting on 13 August to give oral evidence.

37. DAERA was also asked to provide further information on any questions which were not fully addressed in the evidence session on 6 August 2026. The response from DAERA, dated 12 August 2026, can be found at **Appendix B**.
38. Further, the Committee agreed to seek substantive discussion and engagement with representatives of business and civil society. Key stakeholders were identified by the Assembly's Research and Information Service, as being affected, or who would be affected, if the replacement EU act was to apply in Northern Ireland. The list of stakeholders identified by RalSe is at **Appendix D**. The Committee opted to use Citizen Space as a platform to facilitate this engagement.
39. A survey asking for views on the impact of the replacement EU act was launched on 6 August 2026 and closed on 16 August 2026. The survey, which was publicised widely, was also open for response by any other representatives of business and civil society as well as members of the public.
40. Departmental officials attended the Committee meeting on 13 August 2026, to give oral evidence as requested. The minutes of the oral evidence session can be found at **Appendix C**.
41. During the evidence session, DAERA was asked to proactively engage with companies such as Tayto to ascertain what the likely impact would be if they were to be affected by the EU act. Following the evidence session, DAERA consulted Tayto and Glenns of Antrim. At the time of reporting, no responses had been received from either company.¹⁴ DAERA also reported that The Food Standards Agency in Northern Ireland engaged with all eleven district councils to assess potential local impacts on food businesses. This exercise identified two manufacturers producing vegan and vegetarian products that could potentially be affected by the EU act. However, neither business raised any queries or concerns through their respective councils. This further information provided by DAERA can be found at **Appendix B** (dated 17 August 2026).

¹⁴ Any response received from either company after publication of the report will be published separately on the Committee webpage.

42. At its meeting on 20 August 2026, the Committee considered the only response received to its Citizen Space survey, from the Agricultural Industries Confederation.¹⁵ The response can be found at **Appendix D**.
43. The Committee deliberated on all the evidence received at its meeting on 20 August 2026. The evidence received is not rehearsed in this section of the report; a complete picture of the written and oral evidence can be found in the Appendices.
44. At its meeting on 27 August 2026, the Committee agreed its Inquiry report and that it should be published.

¹⁵ The Committee agreed to forward a copy of the response to DAERA, asking officials to provide clarification on a matter as requested by the Confederation.

The Committee's Conclusions

45. In reaching its conclusions, the Committee has carefully considered all the evidence provided to it. The Committee has focused in particular on the two conditions that must be satisfied if the Stormont Brake is to be pulled.
46. In relation to the legal question of whether the replacement EU act significantly differs (in whole or in part) from the content or scope of the EU instrument which it amends or replaces, the Committee noted the legal advice it commissioned on the act, and considered on 6 August 2026, which indicated that the replacement EU act does not significantly differ (in whole or in part) from the content or scope of the relevant parts of the EU instruments within the scope of the Windsor Framework that it amends or replaces.
47. **Having considered its commissioned legal advice, the Committee concluded that the replacement EU act does not significantly differ from the content or scope of the relevant parts of the EU instruments which it amends.**
48. In relation to the question of whether the replacement EU act would have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, the Committee considered the evidence received from DAERA and the UK Government, and the response to its Citizen Space survey.
49. In considering this evidence, the Committee took the view that for an act to have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist, that significant impact must be negative.
50. **Having considered the evidence received from DAERA and the UK Government, and the response to its Citizen Space survey, the Committee concluded that the replacement EU act would not have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist.**

Next Steps

51. Having reached its conclusions, the Committee's Inquiry report will be issued to all Members of the Legislative Assembly for further consideration.
52. The Committee's Inquiry report will also be issued to the Committee for Agriculture, Environment and Rural Affairs.

Links to Appendices

Appendix A: Minutes of Proceedings

View Minutes of Proceedings from evidence sessions related to the report:

[Minutes of Proceedings – 9 January 2025](#)

[Minutes of Proceedings – 20 February 2025](#)

[Minutes of Proceedings – 13 March 2025](#)

[Minutes of Proceedings – 10 April 2025](#)

[Minutes of Proceedings – 30 April 2026](#)

[Minutes of Proceedings – 4 June 2026](#)

[Minutes of Proceedings – 6 August 2026](#)

[Minutes of Proceedings - 13 August 2026](#)

[Minutes of Proceedings - 20 August 2026](#)

[Minutes of Proceedings - 27 August 2026](#)

Appendix B: Memoranda and Other Papers

View Memoranda and Other Papers considered by the Committee:

Consideration of the proposed EU act:

[Assessment of impact from the Department of Agriculture, Environment and Rural Affairs on the proposed EU act – 3 February 2025](#)

[UK Government Explanatory Memorandum on the proposed EU act – 27 February 2025](#)

[Updated assessment of impact from the Department of Agriculture, Environment and Rural Affairs on the proposed EU act – 4 April 2025](#)

[Assessment of impact from the Department of Agriculture, Environment and Rural Affairs on the provisionally agreed text – 14 April 2026](#)

[Written answers from the Department of Agriculture, Environment and Rural Affairs on the provisionally agreed text - 12 May 2026](#)

[Correspondence to the Department of Agriculture, Environment and Rural Affairs – 4 June 2026](#)

[Response from the Department of Agriculture, Environment and Rural Affairs – 3 August 2026](#)

Consideration of the published EU act:

[Assessment of impact from the Department of Agriculture, Environment and Rural Affairs on the published EU act – 3 August 2026](#)

[UK Government Explanatory Memorandum on the published EU act – 5 August 2026](#)

[Response from the UK Government – 17 August 2026](#)

[Response from the Department of Agriculture, Environment and Rural Affairs – 12 August 2026](#)

[Further information from the Department of Agriculture, Environment and Rural Affairs – 17 August 2026](#)

Appendix C: Minutes of Evidence

View Minutes of Evidence of Committee meetings related to the report:

[Minutes of Evidence – 20 February 2025](#) (Department of Agriculture, Environment and Rural Affairs)

[Minutes of Evidence – 6 August 2026](#) (Department of Agriculture, Environment and Rural Affairs)

[Minutes of Evidence – 13 August 2026](#) (Department of Agriculture, Environment and Rural Affairs)

Appendix D: Consultation Responses

View responses to the Committee's consultation:

[RaISe – Potential Witness List on the published EU act – 30 July 2026](#)

[Consultation Response from the Agricultural Industries Confederation \(AIC\) –
13 August 2026](#)

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